

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the June 27, 2014, Regular Council Meeting

Call to Order and Flag Salute at 3:30 p.m. by Mayor Serio

Council in Attendance: Gene Langan, Diane Tingle, Bill Weistling, Audrey Serio, Gardner Bunting, Todd Smallwood and Roy Williams

Staff in Attendance: Town Manager Burke, Town Clerk Poole, Chief Boyden, Public Works Department Supervisor Reed and Beach Patrol Capt. Ferry

PRESIDENT'S REPORT

- There will no election for 2014. The only filings for open seats were the current seated Council Members, Garner Bunting, Diane Tingle and Bill Weistling.
- Delaware Recreation and Parks Society News Letter (can be found at DERPS.ORG) has presented an award to the Town of Fenwick Island for engaging community members to lead healthier lives. The Town received special recognition for a small municipality.
- The summer season is upon us. Please be aware of the increase in traffic and events around town as friends, family and visitors come to town. The Town Bonfire which will be held on July 5th on Dagsboro Street.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- FY 2015 Fee Schedule – Town Manager Burke – Listed amendments for the FY 2015 Fee Schedule which include:
 - Business License Fees – changed from \$50 to \$75 if Revenue made in Town is less than \$1500 yearly
 - Business License Fees – changed from \$150 to \$175 if Revenue made in Town is more than \$1500 yearly
 - Rental Merchant – changed from \$150 + .08 per square foot of Floor Space to \$175 + .10 per square foot of Floor Space
 - Financial Fees – changed from \$50 to \$100 charge for checks returned for insufficient funds
 - Financial Fees – changed from \$150 to \$200 for Collection letter from Town Legal Counsel
 - Other Fees – changed from \$20 + \$40 deposit to \$40 + \$40 deposit Villalon Hall Rental
- **Motion** – Motion made to approve the FY 2015 Fee Schedule - Council Member Langan
- **Second** – Council Member Smallwood
- **Discussion** – none
- **Vote** – (7-0)

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- **FY 2015 Financial Plan** – Town Manager Burke – Electronic version sent to all Council Members. Summary includes: \$1.7 Operating Budget which is balanced and no tax increases proposed. There is however a small increase in tax revenue due to the new homes that are being built. The Town is proposing an increase in the solid waste fee from \$269.00 to \$299.00 and an increase in the ambulance fee from \$47.00 to \$53.00.
- **Motion** – Motion made to approve the FY 2015 Financial Plan - Council Member Tingle
- **Second** – Council Member Langan
- **Discussion** – none
- **Vote** – (7-0)

- Yard Waste Service – Town Manager Burke – Starting July 17th, Public Works will pick-up yard waste once a month until ~~December 31st~~ **November 30st**. Revised Solid Waste Calendar has been posted on the website. Letters will be issued if rules are not followed.

- 2014 Municipal Election – Town Manager Burke – Election has been cancelled.

- Advertising on Commercial Vehicles – Council Member Weistling – After lengthy discussions on advertisement on vehicles parked around town, advertisement flags and sandwich boards, Council Members were polled and recommendations were made to further research. Mayor Serio noted that we need a clearer way to identify this and then how to enforce it. Chief Boyden will check with the State of Delaware for more information.

- Special Events – Commercial Zone – Council Member Weistling – Recommendation on having a Special Events Permit in the Commercial District. Our current Special Events Permit covers weddings on the beach, small events around town. It covers nothing in Town on commercial property. Bethany Beach and Ocean City have a very detailed ordinance requiring liability insurance, additional fees including cost of police/traffic, public works cleanup, etc. Council Members requested that C & O consider this for a more detailed ordinance.

Approval of Minutes: Motion made to approve the Minutes of May 23, 2014 – Council Member Bunting
Second – Council Member Langan
Discussion – none
Vote: (7-0)

TREASURER’S REPORT

Council Member Bunting stated that the Town is within budget and very positive on a small surplus. All departments should watch their spending.

Motion – Motion made to approve the Treasurer’s Report - Council Member Tingle
Second – Council Member Langan
Discussion – none
Vote – (7-0)

TOWN MANAGER'S REPORT

Finance

- Town Manager presented Town Council with the final FY 2015 Financial Plan.
- Total expenses are 80% of the FY 2014 Operating Budget with two months remaining in the current fiscal year.
- Total revenues are 103% of the FY 2014 Operating Budget (amended) with building permit fees (\$81,000) and property taxes (\$5,000) over the approved budget.

Projects (with grant information)

- **Bay Street Drainage Project (State of DE Community Transportation Fund, no match)**
 - The Sussex Conservation District will commence work on the drainage project by the end of July.
- **Town of Fenwick Island Annual Property Assessment**
 - The Town Property Appraiser has completed the annual assessment of the value of real estate within the limits of the Town. The final report was mailed out to the Town Official. The Town Manager and Property Appraiser will schedule a meeting in July to hear appeals based on the assessment. The decision of a majority of the Council upon any appeal shall be final.
- **2014 Municipal Election** – The August 2, 2014 municipal election was cancelled due to the registration of only three candidates for Council. Current Council Members Weistling, Tingle and Bunting will serve an additional two-year term.
- **Information Technology (FY 2014 projects)**
 - A new computer was purchased for the Lifeguard Department.
 - Town management is continuing to research online credit card payment modules.
- **Drainage / Stormwater (FY 2014 projects)**
 - All FY 2014 approved capital improvement budget projects are completed. Public works will continue to work on minor drainage projects such as the second phase of the Bora Bora drainage project.
- **Rack Cards (Parking and General Information)**
 - The parking permit rack card was finalized and submitted for printing. The general information rack card should be designed and printed before July 15.

Grant Funding (approved)

- DNREC Coastal Programs Grant (\$10,000.00, 50% match)
 - URS Corporation commenced the 2014 Sea Level Rise Vulnerability Assessment. The final delivery date is October.
- DNREC Surface Water Matching Planning Grant (\$22,000.00, 50% match)
 - URS Corporation commenced preliminary engineering on the drainage project to improve water quality and flooding.

Meetings, Workshops and Conferences

- Town Manager Burke and Council Member Weistling represented the Town of Fenwick Island at the following meeting:

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- **May 28** DNREC Coastal Construction Workshop, Lewes, DE

DEPARTMENT REPORTS

- **Building Official** – The May report was included in the Council meeting packet. In May the Town issued 12 outside contractor's licenses, 7 resident merchant licenses, and 5 renter's licenses.
- **Public Works** – The report was included in the Council meeting packet.
- **Beach Patrol** – The report was included in the Council meeting packet. Beach Patrol Captain Ferry stated the Town Bonfire will be July 5th and shirts will be on sale. Also, Jr. Lifeguard classes started this week. Captain Ferry will be forwarding information to council in reference to a concert on the beach to benefit the Fenwick Island Lifeguards.
- **Police Department** – The report was included in the Council meeting packet. Chief Boyden stated that the department took delivery on the new vehicle to replace the one involved in the accident. Vehicle should be in service in about 10 days.

TOWN COMMITTEE REPORTS

- **Charter & Ordinance** – Council Member Weistling
 - Chapter 160 – Zoning – First Reading – Council Member Weistling – After lengthy discussions, amended changes are highlighted in red.

Proposed First Reading – June 27, 2014

Chapter 160 – Zoning:

Chapter 160-2B (Definitions and word use):

Insert new definition:

“VEGETATIVE STORMWATER BUFFER – an area of land maintained in a permanent vegetative state that functions to intercept stormwater runoff. Such buffers must be designed by an engineer who is duly registered and licensed in the State of Delaware.”

Chapter 160-5A (Commercial Zone – Use regulations):

Existing:

~~(1) Any use permitted in the Residential Zone.~~

Proposed:

~~(1) Any use permitted in the Residential Zone. Residential construction in the Commercial Zone shall adhere to all height, area, and other requirements set forth in § 160-4 of this Zoning Code.~~

Chapter 160-5C(1):

Existing:

Front building limit line. The building limit line shall be set back from the front lot line not less than **25 feet**.

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Proposed:

Front building limit line. The building limit line shall be set back from the front lot line not less than ***fifteen feet (15')***.

Chapter 160-5C(3):

Existing:

Rear yard. There shall be a rear yard having a minimum depth of 10 feet.

Proposed:

Rear yard setback requirements:

- a) ***The rear yard building limit line shall be set back from the rear lot line not less than twenty feet (20'). In addition:***
1. ***All rear yard setbacks for lots located east of Route 1 shall include a five foot (5') landscaped buffer when abutting lots used for residential purposes.***
 2. ***All rear yard setbacks for lots located west of Route 1 shall include a professionally engineered five foot (5') vegetative stormwater buffer when abutting lots used for residential purposes.***

Chapter 160-5F (Sidewalks):

Add:

Sidewalks approved by DELDOT, in compliance with ADA regulations and no less than five feet (5') in width or a DELDOT and ADA approved alternative are required for all new construction and substantial improvements in the Commercial Zone (see § 140-2 – Article II – Sidewalks).

Chapter 160-8A (9)(b):

Existing:

An exception to Subsection A(9)(a) above is that a ***fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted,*** not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 15 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, ***wall or partition or other such structure*** shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-

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through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

Proposed:

The following are exceptions to Subsection A (9) (a) above:

[1] Fences:

[a] A fence is required for new construction along the rear property line on any lot in the Commercial Zone, used for commercial purposes, where designated parking spaces and/or an open area used for parking abuts adjacent property used for residential purposes. Said fence shall be no less than six feet (6'), nor more than seven feet (7'), in height above the curb or crown level of the adjoining street.

[b] Fences are prohibited in the front setback area of all lots in the Commercial Zone.

[c] Fences along the side property line of all lots in the Commercial Zone shall not exceed four feet (4') in height above the curb or crown level of the adjoining street and shall not encroach into the front setback area.

[d] A solid foundation or retaining wall for such fence structure along the side property line shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure must be submitted with the application for a building permit.

[2] Sidewalks and structures in an area 10' from the curb along Route 1:

[a] New construction and substantial improvements in the Commercial Zone:

*[a.1] An **existing** five foot (5') wide sidewalk constructed in compliance with all ADA and DELDOT approved standards is required **for new construction**. Such sidewalk must be five feet (5') wide, measured from the back of the existing curb along Route 1. Where no curb exists, the five feet (5') shall be measured from the plane of the back of the curb from adjacent properties in the same block along Route 1. All existing entrances are subject to DELDOT approval and may or may not be allowed to remain.*

*[a.2] A five foot (5') wide sidewalk constructed in compliance with all ADA and DELDOT approved standards or a DELDOT approved alternative is required **for substantial approved construction**.*

[a.3] All landscaping, permanent structures, and/or temporary or portable structures located in the area five feet (5') in width, measured from the edge of the sidewalk required by subparagraph [a.1] above and projecting into the commercial property, shall not exceed three feet (3') in height from ground elevation.

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[b] Existing commercial properties in the Commercial Zone:

[b.1] No new landscaping, vegetation, permanent structures, and/or temporary or portable structures on a parcel along Route 1 in the Commercial Zone, located ten feet (10') or less from the edge of the curb, shall exceed three feet (3') in height from ground elevation.

[b.2] Existing designated parking spaces located in the ten foot (10') area described in subparagraph [b.1] above may continue until such time as a total destruction and removal of the existing commercial building occurs and new construction commences.

Chapter 160-10C (2) (Location of parking spaces):

Add:

(d) Parking in the fifteen foot (15') side setback is prohibited for any new construction.

Motion: Motion made and amended to approve first reading Chapter 160 - Zoning, with removal of Chapter 160-5A (Commercial Zone – Use regulations). Also, amended changes to 2 (a) - sidewalk construction in the commercial zone – Council Member Weistling

Second – Council Member Tingle

Discussion – none

Vote: (7-0)

- **Beach Committee** – Town Bonfire scheduled for July 5th with rain date of July 6th.
- **Environmental Committee** – Buzz Henifin stated that the Environmental Committee will be hosting a speaker series once a month. First speaker will be from the Center for Inland Bays scheduled for June 27 @ 2:45 p.m. at Town Hall.
- **Technology Committee** – Council Member Langan reported the next meeting will be October 28th at 2:00 p.m. Town Manager Burke will be working on a credit card roll out plan around the first of the year. Also, the committee is looking into an option for a resident contact alert system.
- **Ad hoc Parking Committee** – Chair Bunting reported that the next meeting will be in September.
- **Planning Commission** – none
- **Old Business** – none
- **New Business** – none

PUBLIC PARTICIPATION

- Buzz Henifin – 48 Windward Way – Would like to know what the town's liability coverage/or how the town is covered on the beach vehicles. Town Manager Burke to check coverage and get back to council.
- Mike Quinn – W Houston – Wanted to know the yard waste rules. Public Works Supervisor Reed answered and stated this information was listed on the website.

UPCOMING MEETINGS AND EVENTS

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Council Member Serio announced the following upcoming meetings and events as follows:

- | | | | |
|----|---------|------------------------------|--------------------------------------|
| a. | July 4 | 4 th July Holiday | Town Hall Closed |
| b. | July 5 | 7:00 p.m. | Town Bonfire |
| c. | July 8 | Dusk | Fenwick Flicks (Bayard Street) |
| d. | July 12 | 9:00 a.m. | F.I.S.H. meeting (Town Hall) |
| e. | July 22 | Dusk | Fenwick Flicks (Bayard Street) |
| f. | July 25 | 2:45 p.m. | Environment Committee Speaker Series |
| g. | July 25 | 3:30 p.m. | Regular Council Meeting |

Motion to adjourn – Council Member Bunting

Second – Council Member Langan

Discussion - none

Vote – (7-0)

Meeting adjourned at 5:45 p.m.

**Transcribed by Linda Poole, Town Clerk
for Council Member Diane Tingle, Secretary*